

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re

No. C 13-3006 WHA (PR)

ORDER OF DISMISSAL

BYRON P. SHIELDS,

Plaintiff.

On June 28, 2013, plaintiff, a prisoner of the State of California, filed a letter stating that he would file a complaint under 42 U.S.C. § 1983 within a month. That day, the clerk notified plaintiff that he had not filed a complaint, and that he had neither paid the filing fee nor filed an application to proceed in forma pauperis ("IFP"). Along with the notices, the clerk mailed to plaintiff the court's complaint and IFP forms, instructions for completing the forms, and a stamped return envelope. In the notices, plaintiff was informed that the case would be dismissed if he did not file a complaint, and pay the fee or file a completed IFP application, within thirty days. More than thirty days passed without plaintiff filing a complaint, paying the filing fee or filing an IFP application. On August 1, 2013, plaintiff wrote another letter stating that he was in the process of preparing a complaint and IFP application. More than thirty days have passed since that letter and nothing has been received. Accordingly, this case is


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1 **DISMISSED** without prejudice. When plaintiff completes his complaint and IFP application, he
2 may file them in a new case.

3 The Clerk shall enter judgment and close the file.

4 **IT IS SO ORDERED.**

5 Dated: September 24, 2013.

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7 WILLIAM ALSUP
8 UNITED STATES DISTRICT JUDGE
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